



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,098	03/16/2005	Jurg Vogt	41281.0009	5829

7590 04/21/2006

David L Principe
Hodgson Russ
Suite 2000
One M&T Plaza
Buffalo, NY 14203-2391

EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,098

Applicant(s)

VOGT, JURG

Examiner

Leslie A. Nicholson III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/16/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the non-woven textile ply (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. This application does not contain an abstract on a separate sheet as required by 37 CFR 1.72(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,3, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear how there can be a value of weight per unit area. In two-dimensional space, how can anything have a weight? Secondly,

Regarding claim 3, the phrase "such as" and "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Only one copolymer should be claimed, just as that in example 2 of the written description (P20).

Claim 8 recites the limitation "the optional top coating" in line 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3651

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Yu USP 5,714,290.

Yu discloses a similar method for making a conveyor belt endless, wherein the method comprises: providing the conveyor belt with butt ends, and welding together of the butt ends (C1/L4-20, C13/L33-38)

7. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Darcy USP 6,277,534.

Darcy discloses a similar method for making a conveyor belt endless, wherein the method comprises: providing the conveyor belt with butt ends, and welding together of the butt ends (C1/L50-65)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 (see ¶14), 2, 3, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Porte USP 5,164,241 in view of Vogt PGPub 2004/0168757.

De La Porte discloses a similar conveyor belt comprising a layered composite of:

- A textile ply (10,11) with a first ply surface and a second ply surface
- A first plastic layer (8) which adheres to the first ply surface of a thermoplastic material
- A second plastic layer (8) which adheres to the second ply surface of a thermoplastic material
- The two layers (8) consist of the same thermoplastic plastic (fig.2) (C3/L66-68, C4/L1-5)
- With a width of 50 to 5000 mm (C3/L60-65)

De La Porte does not expressly disclose the thermoplastic material having a creeping strength of at the most 0.005 at 30° C, which contains at least 70% by weight of a non-crosslinked thermoplastic with a creeping strength of at the most 0.005 at 30°C.

Vogt teaches the thermoplastic material having a creeping strength of at the most 0.005 at 30°C, which contains at least 70% by weight of a non-crosslinked thermoplastic with a creeping strength of at the most 0.005 at 30°C (it is inherent that a material that if a certain thermoplastic is taught and none other in the belt, then it must be pure or very close to it) (¶0005) for the purpose of using the proper material for a monolithic conveyor belt.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a thermoplastic material having a creeping strength of at the most 0.005 at 30°C, which contains at least 70% by weight of a non-crosslinked

Art Unit: 3651

thermoplastic with a creeping strength of at the most 0.005 at 30°C, as taught by Vogt, in the device of De La Porte, for the purpose of using the proper material for a monolithic conveyor belt

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over De La Porte USP 5,164,241 in view of Vogt PGPub 2004/0168757 further in view of Tanimoto USP 3,616,164.

De La Porte discloses all the limitations of the claim (see ¶9), but does not expressly disclose the textile ply being non-woven.

Tanimoto teaches the textile ply being non-woven for the purpose of providing a conveyor belt which exhibits sufficiently higher strength and lower elongation in the longitudinal direction (C1/L4-53).

At the time of invention it would have been obvious to one having ordinary skill in the art to have the textile ply being non-woven, as taught by Tanimoto, in the device of De La Porte, for the purpose of providing a conveyor belt which exhibits sufficiently higher strength and lower elongation in the longitudinal direction.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over De La Porte USP 5,164,241 in view of Vogt PGPub 2004/0168757 further in view of Alex USP 5,254,641.

De La Porte discloses all the limitations of the claim (see ¶9), but does not expressly disclose the separation resistance between the layer and textile ply at least 2.5 N/mm measured according to the standard DIN 53530.

Alex teaches the separation resistance between the layer and textile ply at least 2.5 N/mm measured according to the standard DIN 53530 (C6/L67-69, C7,C8) for the purpose of using a material without a high hardness and low water vapor permeability (C2/L1-58).

At the time of invention it would have been obvious to one having ordinary skill in the art to have the separation resistance between the layer and textile ply at least 2.5 N/mm measured according to the standard DIN 53530, as taught by Alex, in the device of De La Porte, for the purpose of using a material without a high hardness and low water vapor permeability.

12. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Porte USP 5,164,241 in view of Vogt PGPub 2004/0168757 further in view of Nord USP 6,921,502.

De La Porte discloses all the limitations of the claim (see ¶9), but does not expressly disclose anti-bacterial means in the layer or the optional top coating.

Nord teaches anti-bacterial means in the layer or the optional top coating for the purpose of keeping the top coating mostly free of bacteria (C16/L14-16).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ anti-bacterial means in the layer or the optional top coating, as taught

Art Unit: 3651

by Nord, in the device of De La Porte, for the purpose of keeping the top coating mostly free of bacteria

13. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Porte USP 5,164,241 in view of Vogt PGPub 2004/0168757 further in view of Tarnawskyj PGPub 2002/0148707.

De La Porte discloses all the limitations of the claim (see ¶9), but does not expressly disclose two butt end-to-end joints.

Tarnawskyj teaches two butt end-to-end joints (fig.4-7) for the purpose of joining mating elements in an interlocking relationship to easily put connect the ends of a belt.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a conveyor belt with two butt end-to-end joints, as taught by Tarnawskyj, in the device of De La Porte, for the purpose of joining mating elements in an interlocking relationship to easily put connect the ends of a belt.

Examiner's Note

14. The creeping strength of TPE-A, TPE-E, and TPE-U fall within the range as admitted by the applicant on P6/L20-29 and P7/L1-8 of the written description.

Secondly, the specific range of creeping strength claimed is merely design choice

Conclusion

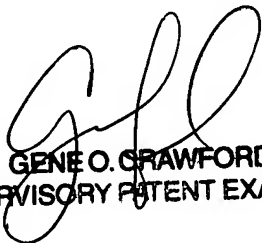
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
4/18/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER